

3 April 1957

MEMORANDUM FOR THE RECORD

SUBJECT: Subpoenas Directed to the Director of Central
Intelligence

An opinion of Attorney General Moody on January 9, 1905 (25 Ops. Att'y. Gen. 326) takes the position that the head of a department was not legally bound to appear and testify in obedience to a subpoena of a court. In view of the position taken by Chief Justice Marshall in the trial of Aaron Burr, the legal basis of this Attorney General Opinion is doubtful. However, Attorney General Moody approved of an arrangement whereby the testimony of the department head would be taken by commission before a referee or commissioner on the grounds that such an arrangement could be so set up as to better comport with the dignity of the office.


LAWRENCE R. HOUSTON
General Counsel

OGC:LRH:jeb
cc: OGC chrono
Orig: subject-Invest & Hear 3

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TRANSMITTAL SLIP

20 December 1956

TO:

Mr. Houston

ROOM NO.

BUILDING

REMARKS:

This is the Attorney General's opinion concerning a subpoena on the head of an executive department. I call your attention particularly to page 331 in which the Attorney General advises the Secretary of Commerce and Labor that he is not legally bound to appear and testify in obedience to a subpoena of a court in a case between private parties. He suggests however, that the testimony required be taken by commission. This would appear the best solution when the Director is subpoenaed.

FROM:

ROOM NO.

EXTENSION

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FORM NO. 241
FEB 55

REPLACES FORM 36-8
WHICH MAY BE USED.

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